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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7058 OF 2006

Tukaram Dagadu Mali Petitioner
versus
Shivaji Bhagwan Patil & anr. Respondents

Mr.S.G.Deshmukh for petitioner.
Mr.Umesh Mankapure for respondents 1 and 2.

CORAM : A.S.OKA, J.

DATE : 02nd April 2007

PC :

1. According to the case of the petitioner, the suit filed by him in the Trial Court has been dismissed for non payment of court fees. It is for the petitioner to take out appropriate application before the Trial Court for restoration of the suit by making out a ground for restoration. In view of this position, writ petition under Article 227 of the Constitution of India is not entertained.

2. Subject to what is stated above the writ petition is rejected by keeping the remedy of the petitioner open of making an application for

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restoration before the Trial Court. If such an application is made by the petitioner, the Trial Court is bound to take a note of the fact that present Writ Petition has been filed in this court in October 2006 and the same remained pending till today. All the contentions of the parties are kept open.

(A.S.OKA, J.)